

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
RICHARD ANTHONY LOPEZ
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: 702.388.6336 / Fax: 702.388.6418
tony.lopez@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA RAY FISHER,

Defendant.

Case No. 2:17-cr-73-APG-EJY-2

**Joint Motion for an Order Regarding
Compliance with this Court's Order at
ECF 241**

Defendant Joshua Ray Fisher and the Government hereby jointly move for an order confirming that Fisher's counsel has complied with her obligations under the Court's order at ECF 241 and that the parties may resume their appeal before the Ninth Circuit.

On March 17, 2021, the Ninth Circuit remanded this case for a determination on the Government's motion to disqualify defendant Joshua Fisher's appellate counsel, Michael Humphreys. On May 3, 2021, the district court appointed Kathleen Bliss, Esq., as counsel for Fisher for the purpose of litigating the issue of disqualification. On September 16, 2021, this Court issued an order denying the Government's motion to disqualify Defendant Joshua Ray Fisher's appellate counsel Michael Humphreys.

As part of that order, the Court required Ms. Bliss to confer with Fisher regarding the Government's motion and the Court's Order, and to "file a notice with the Court

1 advising that she has complied with the Court's Order and verify whether Joshua Fisher
2 expressed any concerns or had questions that should be addressed by the Court." ECF 241
3 at 7-8. Ms. Bliss filed a Notice at ECF 242 confirming that she consulted with Fisher and
4 that Fisher had no further questions for the Court and that Fisher wanted Humphreys to
5 remain his lawyer on appeal. The Government has declined to appeal the Court's order at
6 ECF 241 to the District Judge assigned to this case.

7 The parties believe that Fisher has complied with the Court's order at ECF 241 and
8 request that the Court confirm that Fisher's Notice satisfied his obligations under that
9 Order so that the parties may proceed with Fisher's appeal before the Ninth Circuit.

10 Respectfully submitted this 28th day of October, 2021.

11 CHRISTOPHER CHIOU
12 Acting United States Attorney

13 s/ Richard Anthony Lopez
14 RICHARD ANTHONY LOPEZ
Assistant United States Attorney

15 s/ Kathleen Bliss
16 KATHLEEN BLISS
17 Counsel for Defendant
18 JOSHUA RAY FISHER
19
20
21
22
23
24

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA RAY FISHER,

Defendant.

Case No. 2:17-cr-73-APG-EJY

**[Proposed] Order Regarding
Compliance with this Court's Order at
ECF 241**

Based on Defendant Joshua Ray Fisher's Notice filed at ECF 242, the Court finds that Fisher's counsel has satisfied her obligations to consult with Fisher as required by this Court's Order at ECF 241.

IT IS HEREBY ORDERED THAT the Government is directed to file a notice with the U.S. Court of Appeals for the Ninth Circuit regarding the outcome of its disqualification motion within 10 days of this Order.


HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

Dated: October 29, 2021